

Remarks/Arguments

Claim 1 has been amended. Claim 9 has been cancelled.

Specification

In the Office Action, the Examiner objected to the Abstract because it was alleged to be not descriptive of the invention. Accordingly, the Abstract has been amended. Applicant, therefore, respectfully requests reconsideration of this objection.

Rejections under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1, 6, 8, 23, and 24 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,729,143 to Watts et al. ("*Watts*"). Applicant respectfully requests reconsideration of this rejection for at least the following reasons.

As for claim 1, claim 1 has been amended to include the features of original claim 9, which is now cancelled. The added features include "a laser light steering mirror subassembly disposed on the thermal electric cooler, adjacent to the laser light source to redirect the light bundles emitted by the laser light source to a direction substantially orthogonal to the top planar surface," which are not taught by *Watts*. For at least this reason, claim 1 is patentable over *Watts*.

Claims 6, 8, 23, and 24 depend from claim 1, incorporating its recitations. Thus, claims 6, 8, 23, and 24 are likewise patentable over *Watts*.

Rejection under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 2, 3, and 9 under 35 U.S.C. § 103(a) as being unpatentable over *Watts* in view of U.S. Patent No. 6,778,576 to Acklin et al. ("*Acklin*"). Applicant respectfully requests reconsideration of this rejection for at least the following reasons.

As for claim 9, claim 9, as previously alluded to, has been cancelled and its features have been incorporated into amended claim 1. Thus, this rejection as it relates to claim 9 is rendered moot.

As to claim 1, in rejecting claim 9, the Examiner appears to allege that it would have been obvious to one of ordinary skill to incorporate a light steering mirror, as taught in *Acklin*, into the device of *Watts*. However, Applicant submits that *Watts* **teaches away** from such modification. That is, *Watts* is **specifically** directed to a device that includes an optical train disposed on a thermal electric cooling (TEC) device, the optical train including a laser and a plurality of lens, the laser to direct light along an optical path parallel to the top surface of the top portion of the TEC to the plurality of lens disposed on the top surface of the top portion of the TEC. See, for example, Figures 1, 2a, 2b, 3, 4a, 4b, 8, and 9, col. 1, lines 10-49 and lines 57-62, col. 3, lines 29-57, col. 5, lines 1-17, col. 7, lines 29-35 of *Watts*. *Watts* further teaches to couple the cooling surface of the TEC to the components of the optical train along the optical path in order to prevent the components of the optical train from moving away from the optical path as a result of temperature variations. See, for example, col. 3, lines 48-57, col. 5, lines 4-11, and col. 5, line 55 to col. 6, line 12 of *Watts*. **Thus, *Watts* teaches away from having an optical path that is orthogonal to the cooling surface of the TEC.** In other words, *Watts* teaches away from “a laser light steering mirror subassembly disposed on the thermal electric cooler, adjacent to the laser light source to redirect the light bundles emitted by the laser light source to a direction substantially orthogonal to the top planar surface” as recited in amended claim 1. For at least this reason, claim 1 is patentable over *Watts* in view of *Acklin*.

Claims 2 and 3 depend from amended claim 1, incorporating its recitations. Thus, claims 2 and 3 are likewise patentable over *Watts* in view of *Acklin*.

Claims 4, 7, and 10-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Watts* in view of U.S. Patent Application Pub. No. 2003/0043868 to Stewart et al. (“*Stewart*”). Applicant respectfully requests reconsideration of this rejection for at least the following reasons.

Claims 4, 7, and 10-13 depend from claim 1, incorporating its recitations. The deficiencies of *Watts* as they relate to claim 1 as described above are not cured by the teachings of *Stewart*. Thus, claims 4, 7, and 10-13 are patentable over *Watts* in view of *Stewart*.

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Watts* in view of what Examiner considers obvious. Applicant respectfully requests reconsideration of this rejection for at least the following reasons.

Claim 5 depends from claim 1, incorporating its recitations. The deficiencies of *Watts* as they relate to claim 1 as described above are not cured by what the Examiner considers obvious. For at least this reason, claim 5 is patentable over *Watts* in view of what the Examiner deems obvious.

Conclusion

In view of the foregoing, the Applicant respectfully submits that all pending claims are in a condition for allowance. Early issuance of Notice of Allowance is respectfully requested.

If the Examiner has any questions, he is invited to contact the undersigned at (503) 796-2099.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,
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